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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,330	12/18/2001	Barry S. Bosik	2000-0674 (40147/12201)	8079

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EXAMINER
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AHMED, SALMAN

ART UNIT	PAPER NUMBER
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2476

MAIL DATE	DELIVERY MODE
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02/26/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/026,330	<b>Applicant(s)</b> BOSIK ET AL.	
	<b>Examiner</b> SALMAN AHMED	<b>Art Unit</b> 2476	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/16/02, 12/18/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-5, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Devillier et al. (US PAT 6366661), hereinafter referred to as Devillier.

In regards to claim 1, Devillier anticipates a method for managing an incoming call to a subscriber terminal (figure 7, element 14) the terminal providing access to resources of the Public Switched Telephone Network (PSTN) (figure 7, element 22, SSP) and data terminal access (figure 7, element 34, Gateway) to online resources of a packet network (figure 7, element 18, internet) the method comprising: accessing packet network (Column 6, Lines 19-23, communications server) to ascertain online network status (Column 6, Lines 19-23, current online status) of the subscriber terminal, accessing packet network comprising accessing one of an IP network (Column 6, Lines 19-23, the Internet), an Ethernet, a LAN, and a WAN (Column 6, Lines 19-23, the SCP transmits a query to the communications server over the Internet requesting a current online status for the subscriber), indicating the arrival of an incoming call to the subscriber terminal during an online operation of subscriber terminal by generating a

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message to the subscriber terminal (column 5 lines 41-45, If it is determined that the subscriber is indeed online, the server may be informed that an incoming call has been received and the server may in turn then provide notification to the subscriber through a display graphic which may appear on the subscriber's PC display), and according to subscriber preferences stored in a memory (column 3 lines 11-12, column 4 lines 41-42, also, the forwarding number may be pre-programmed in the system. The call may be further routed to a transfer number 25 which has been programmed into the subscriber's PC), performing one of the steps of (a) forwarding the incoming call to voicemail (column 5 lines 46-57, the call may be routed to a different location such as voicemail), (b) forwarding the incoming call to a forwarding number (column 5 lines 46-57, a forwarding number), and (c) activating an options selection menu at subscriber terminal to provide the subscriber with options to handle the incoming call, options including at least one of forwarding the call to a specific number, handling the call via a VoIP service, and sending the call to voicemail and performing the selected one of forwarding the incoming call to voicemail, forwarding the incoming call to the forwarding number, and activating the options selection menu at the subscriber terminal (column 5 lines 46-57, the display graphic is interactive in nature and a subscriber may make a selection as to how to route a particular call. Once this selection is made, the switching point is directed to carry out the instructions, which may include routing the call to the subscriber once the Internet connection is terminated, routing an audio connection to the subscriber through a router connected to the Internet such that a conversation may be had employing IP telephony, or the call may be routed to a different location such as

voicemail, a forwarding number, or a location in which the caller will hear an audio message).

In regards to claim 3, Devillier anticipates one of the accessing, indicating, and performing steps occurs at one of a local exchange carrier (figure 7 element 16, communication server), at a private branch exchange (figure 7 element 22 SSP), or at equipment situated on the subscriber's premises (figure 7, element 14).

In regards to claim 4, Devillier anticipates storing the subscriber preferences in a memory where preferences include at least one of a call forwarding number, a voicemail directive, and an Internet call waiting directive (column 8 lines 23-28 and column 5 lines 46-57, the server informs the SCP that the subscriber is currently online the SCP then requests the identification information from the LIDB. Once the identification information is retrieved, it is included in an interactive graphical screen display, which is presented on the subscriber's PC. The display graphic is interactive in nature and a subscriber may make a selection as to how to route a particular call. Once this selection is made, the switching point is directed to carry out the instructions, which may include routing the call to the subscriber once the Internet connection is terminated, routing an audio connection to the subscriber through a router connected to the Internet such that a conversation may be had employing IP telephony, or the call may be routed to a different location such as voicemail, a forwarding number, or a location in which the caller will hear an audio message).

In regards to claim 5, Devillier anticipates the step of dynamically enabling at least one of said indicating, forwarding, and activating in accordance with an on-line

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status of the subscriber (Column 2, lines 27-34, If it is determined that the subscriber is not currently logged onto the internet, the SCP may instruct the local switching point to route the call to the subscriber's line as normal. This may include directing the call to the subscriber's home phone. If the server returns a message indicating that the subscriber is currently online, the SCP may then perform a search of the LIDB to locate identification information for the incoming caller.

In regards to claim 8, Devillier anticipates extracting subscriber preference information from a network database (column 7 lines 1-8, communications server) and executing at least one call handling step in accordance with said subscriber preferences (column 7 lines 1-8, If, routing information is received from the communications server, the SCP will direct the SSP accordingly. If the subscriber wishes to ignore the telephone call, the call may be routed to the same or another AIN IP where an audio message will be played informing the caller that the subscriber is currently online and is not taking telephone calls).

In regards to claim 9, Devillier anticipates generating a message (column 5 lines 41-45, notification) to subscriber terminal comprises generating a message directing the display of a notice viewable on a display monitor associated with subscriber terminal (column 5 lines 41-45, If it is determined that the subscriber is indeed online, the server may be informed that an incoming call has been received and the server may in turn then provide notification to the subscriber through a display graphic which may appear on the subscriber's PC display).

### ***Response to Arguments***

3. Applicant's arguments, pages 4-7 of the Remarks section, filed 10/9//2009, with respect to the rejections of the claims 1, 3-5, 8 and 9 have been fully considered but are not persuasive.

4. Applicant argues that see (5) that Devillier does not disclose "according to subscriber preferences stored in a memory, selecting one of the steps of (a) forwarding the incoming call to voicemail, (b) forwarding the incoming call to a forwarding number, and (c) activating an options selection menu at said subscriber terminal to provide the subscriber with options to handle the incoming call," as recited in claim 1. Applicant adds the selection of the call routing is not based on user preferences, but is made in real time by the user of the Devillier system using the graphic display.

5. However, Examiner respectfully disagrees with Applicant's assertion. Devillier does indeed teach the cited limitation. Specifically, Devillier teaches according to subscriber preferences stored in a memory (column 3 lines 11-12, column 4 lines 41-42, also, the forwarding number may be pre-programed in the system. The call may be further routed to a transfer number 25 which has been programmed into the subscriber's PC), performing one of the steps of (a) forwarding the incoming call to voicemail (column 5 lines 46-57, the call may be routed to a different location such as voicemail), (b) forwarding the incoming call to a forwarding number (column 5 lines 46-57, a forwarding number), and (c) activating an options selection menu at subscriber terminal to provide the subscriber with options to handle the incoming call, options including at least one of forwarding the call to a specific number, handling the call via a VoIP service, and sending the call to voicemail and performing the selected one of forwarding

the incoming call to voicemail, forwarding the incoming call to the forwarding number, and activating the options selection menu at the subscriber terminal (column 5 lines 46-57, the display graphic is interactive in nature and a subscriber may make a selection as to how to route a particular call. Once this selection is made, the switching point is directed to carry out the instructions, which may include routing the call to the subscriber once the Internet connection is terminated, routing an audio connection to the subscriber through a router connected to the Internet such that a conversation may be had employing IP telephony, or the call may be routed to a different location such as voicemail, a forwarding number, or a location in which the caller will hear an audio message).

6. Clearly, the selection of the call routing is indeed based on “user preferences” (abstract, in the situation where an incoming call is received during an Internet session, the routing system provides notification to the subscriber that the call has been received. In particular, when the incoming call is received, an interactive screen display may appear on the subscriber's computer through use of the subscriber's PC software. The subscriber may be provided a selection of options on how the call should be routed. Once the instructions (i.e. user preferences) are received from the subscriber, the system routes the call accordingly).

7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.



8. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SALMAN AHMED whose telephone number is (571)272-8307. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571)272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Salman Ahmed/

Primary Examiner, Art Unit 2476